

11. If the applicant is a foreign carrier, or is affiliated (as defined in 47 C.F.R. Section 63.09(e)) with a foreign carrier, provide in Attachment 1 the information and certifications required by Section 63.18 (i) through (m).

- (i) Applicant is a foreign carrier in Panama. The principal business of the Applicant is telecommunications. Applicant has a "Public Nonexclusive Telecommunications License" ("PNET") and lacks sufficient market power in the named foreign country to affect competition adversely in the U.S. market. Applicant owns less than fifty percent (50%) of the market share in Panama. In addition, the named foreign country provides effective competitive opportunities to U.S. carriers to compete in its international market.
- (j) Applicant does seek to provide international telecommunications services to destination countries where it is a foreign carrier, namely Panama.
- (k) Panama is a member of the World Trade Organization ("WTO").
- (l) Applicant lacks sufficient market power on the foreign end of the routes to affect competition adversely in the U.S. market. Applicant has less than fifty percent (50%) market share in the international transport and the local access markets on the Panama end of the route and, as such, Applicant should presumptively be classified as non-dominant.
- (m) For purposes of the authority sought in this application, Applicant should be regulated as non-dominant. Applicant does not have market power in the destination market of Panama. Therefore, Applicant does not have the ability to discriminate against unaffiliated U.S. international carriers through control of bottleneck services or facilities in Panama.